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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/924,005 | 08/07/2001 | Stephen Lange Ranzini | 3892-4003 | 1961 |

27123 7590 07/13/2007
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| EXAMINER |
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COLBERT, ELLA

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| ART UNIT | PAPER NUMBER |
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3694

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| MAIL DATE | DELIVERY MODE |
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07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/924,005

Applicant(s)

RANZINI, STEPHEN LANGE

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b)

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 are pending. Claims 1-4 have been amended in this communication filed 4/30/07 entered as Response After Non-Final Action and New or Additional Drawings.
2. The objection to the abstract has been overcome by Applicant's amendment to the abstract and is hereby withdrawn.
3. The objection to the title has been overcome by Applicant's amendment to the title and is hereby withdrawn.
4. The drawing objection to figure 4 has been overcome by Applicant's amendment to figure 4 and the objection is hereby withdrawn.
5. The 35 USC 112 second paragraph rejection for claims 1 and 3 have been overcome by the amendment to the claims and is hereby withdrawn. Claims 2 and 4 still remain rejected under 35 USC 112, second paragraph as set forth here below.

Claim Objections

6. Claims 1-4 are objected to because of the following informalities: Claim 1 recites "A method ... to handle currency exchange comprising:". The preamble would be better recited as "A method ... to handle a currency exchange comprising:". Claims 2-4 have a similar problem with the preamble. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1- 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 is almost a duplicate of claim 1 reciting the first two claim limitations of claim 1. Claim 4 has a similar problem with reciting the first two claim limitations of claim 3. In order to overcome these issues it is suggested to add at least another claim limitation to claims 2 and 4 that is different from claims 1 and 3. Amended claims 1-4 recite "... using a quotation mechanism of the stock exchange, ...;". It is unclear and indefinite what applicant means by "using a quotation mechanism ..., ...;". Does Applicant mean "a stock quotation device" or "a mathematical formula to determine the quotation" or something else? Clarification is respectfully requested to the Examiner and in the claim language.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2002/0087455) Tsagarakis et al, hereafter Tsagarakis. This application claims priority to a non-provisional of provisional application No. 60/259,268, filed on December 30, 2000 and in view of (US 5,963,923) Graber.

Claims 1 and 2, Tsagarakis discloses, A method, comprising:
establishing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency (col. 2, page 5 [0045] –col. 1, page 6, line 28); and establishing a predetermined number of market makers, each said market maker having responsibilities for at least one of said exchange shares (page 5, col. 1, [0040] –col. 2, [0042]). Tsagarakis failed to disclose, presenting on the stock exchange, using a quotation mechanism of the stock exchange, one or more of the exchange shares and wherein one or more of the requests are passed to one or more of the market makers. Graber discloses, presenting on the stock exchange, using a quotation mechanism of the stock exchange, one or more of the exchange shares (col. 7, line 8–col. 8, line 47 and Fig. 4) and wherein one or more of the requests are passed to one or more of the market makers (col. 4, line 59 –col. 5, line 3 and col. 7, lines 8–41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Graber in Tsagarakis because such an incorporation would allow Tsagarakis to give principal market maker quotes with having the use of a human market maker in a trading environment which is well known (see Graber at col. 1, lines 24 and 25).

Claims 3 and 4, Tsagarakis discloses, A method for allowing individuals to exchange currency, comprising:
listing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency

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(Page 2, col. 1 [0026] and col. 2 [0031] –page 3, col. 1 [0032]); and hosting a predetermined number of market makers, each said market maker each said market maker having responsibilities for at least one of said exchange shares (page 3, col. 2 [0033] –Page 4, col. [0037]). These independent claims are rejected for the similar rationale as given above for claims 1 and 2.

Claims 5 and 7, Tsagarakis discloses, The method of claim 1 wherein said responsibilities include posting a bid and offer for said exchange shares (Page 5, col. 1 [0041] –col. 2, line 12).

Claims 6 and 8, Tsagarakis discloses, The method of claim 1 wherein said responsibilities include offering to purchase or sell said exchange shares for posted amounts (Page 4, col. 1 [0036]).

Response to Arguments

11. Applicant's arguments filed 4/30/07 have been fully considered but they are moot in view of the new grounds of rejection necessitated by Applicant's amendment to the claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Inquiries

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 5, 2007



ELLA COLBERT
PRIMARY EXAMINER